

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 33-35 are pending in the present application, Claims 33-35 having been amended. Support for the amendments to Claims 33-35 is believed to be self-evident from the originally filed specification.¹ Applicants respectfully submit that no new matter is added.

In the outstanding Office Action, Claims 33-35 were rejected under 35 U.S.C. §103(a) as unpatentable over Saeki et al. (U.S. Patent No. 6,078,727, hereinafter Saeki) in view of Gotoh et al. (U.S. Patent No. 6,282,365, hereinafter Gotoh); and Claims 33-35 were rejected under the judicially created doctrine of obviousness-type double patenting.

Initially, it is noted that the amendments to Claims 33-35 are based on the allowed claims from Application Serial No. 11/484,696, which was recently allowed. Application Serial No. 11/484,696 is listed on a terminal disclaimer filed herewith.

With respect to the rejection of Claim 33 as unpatentable over Saeki in view of Gotoh, Applicants respectfully submit that the amendment to Claim 33 overcomes this ground of rejection. Amended Claim 33 recites, *inter alia*,

said control information describes the movie AV file information table M_AVFIT, the still picture AV file information table S_AVFIT, the original program chain information ORG_PGC1, the user defined program chain information table UD_PGC1T, the text data manager TXTDT_MG, and the manufacturer's information table MNFIT in this order.

Saeki and Gotoh, taken alone or in proper combination, do not disclose or suggest these elements of Claim 33.

¹ See, for example, Figs. 3, 4, 6, 30, 31, 32 and 33, and page 102, lines 9-19 and page 108, lines 11-18 of the originally filed specification

Amended Claim 33 defines that the control information describes the movie file information table M_AVFIT, the still picture AV file information table S_AVFIT, the information of the original program chain information ORG_PGC, the user defined program chain information table, the text data manager TXTDT_MG, and the manufacturer's information table MNFIT in this order. Thus, the M_AVFIT is arranged first in the claimed order. This early arranged M_AVFIT includes the TM_ENT containing the VOBU_ENTN. From this, a controller can grip the number of VOBU entries in an early stage of reading the RTR_VMG from the disc just loaded in the disc drive.

The outstanding Office Action relies upon Figs. 7-10 of Saeki to show the claimed "control information." However, Figs. 7-10 of Saeki do not disclose or suggest the claimed "said control information describes the movie AV file information table M_AVFIT, the still picture AV file information table S_AVFIT, the original program chain information ORG_PGC, the user defined program chain information table UD_PGCIT, the text data manager TXTDT_MG, and the manufacturer's information table MNFIT in this order."

Furthermore, Gotoh does not disclose or suggest the claimed "said control information describes the movie file information table M_AVFIT, the still picture AV file information table S_AVFIT, the information of the original program chain ORG_PGC, the user defined program chain information table, the text data manager TXTDT_MG, and the manufacturer's information table MNFIT in this order."

In view of the above-noted distinctions, Applicants respectfully submit that Claim 33 patentably distinguishes over Saeki and Gotoh, taken alone or in proper combination. Amended Claims 34 and 35 recites features similar to those recited in amended Claim 33. Thus, Applicants respectfully submit that Claims 34 and 35 patentably distinguish over Saeki and Gotoh, taken alone or in proper combination, for at least the reasons stated for Claim 33.

With respect to the double patenting rejections, a suitable Terminal Disclaimer is filed herewith. It is noted that paragraph 13 of the Office Action lists both application serial numbers 11/501,891 and 11/501,881. Application serial number 11/501,881 is believed to be a typographical error and is not listed on the Terminal Disclaimer.² It is also noted that both application serial numbers 11/501,766 and 11/501,739 are listed in paragraph 15 of the Office Action. Both 11/501,766 and 11/501,739 are listed on the Terminal Disclaimer.

The filing of a Terminal Disclaimer to obviate a rejection based on nonstatutory double patenting is not an admission of the propriety of the rejection. The "filing of a Terminal Disclaimer simply serves the statutory function of removing the rejection of double patenting, and raises neither a presumption nor estoppel on the merits of the rejection." Quad Environmental Technologies Corp. v. Union Sanitary District, 946 F.2d 870, 20 U.S.P.Q.2d 1392 (Fed. Cir. 1991). Accordingly, Applicants filing of the attached disclaimer is provided for facilitating a timely resolution to prosecution only, and should not be interpreted as an admission as to the merits of the obviated rejection.

Accordingly, in view of the present amendment and the previous discussion, no further issues are believed to be outstanding and the present application is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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² This serial number refers to an application that does not have a common assignee with the present application.